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Current Topics.

Barratry.

IT is refreshing for an English lawyer to look (figuratively of course) across the Atlantic from time to time and find not only the analogies between our legal system and that of our great ally, but also legal terms which we have almost completely discarded. We are indebted to our contemporary, the *North Carolina Law Review* (April, 1942), for a note of *State* v. *Batson*, 220 N.C. 411, a case decided by the Supreme Court of North Carolina in 1941, in which a conviction of a layman of the offence of attempting to commit the crime of common barratry was upheld by the Supreme Court of North Carolina. The court found that unsolicited, he had approached others and urged each of them to institute suits, upon apparently reasonable grounds, offering to assist such persons in the conduct of their litigation and agreeing to receive his compensation from their recoveries. The decision was based on the fact that barratry was an offence at common law and had by a statute been made part of the law of the State as "part of the common law . . . heretofore in force and use within the State" and "not destructive of, or repugnant to, or inconsistent with, the freedom and independence of this State and the form of government therein established, and which has not . . . become obsolete . . ." In the common law of England, to be a common barrator is an indictable misdemeanour. It is defined in 8 Co. Rep. 36 as "habitually to move, excite or maintain suits or quarrels." Under 12 Geo. 1, c. 29, s. 4, a person who practises as a solicitor after being convicted of common barratry is liable on conviction in the High Court to seven years' penal servitude (then transportation). The instigation of any sort of quarrels is barratry, and it must be habitual. In this it differs from maintenance, which is the officious intermeddling with law suits by assisting with money or otherwise, and may consist of one act. "Champerty" is maintenance of a law suit for a share in the proceeds. The deliberate stirring up of quarrels seems to be a roundabout and perhaps a long-term method of obtaining litigation business, and that fact no doubt partially accounts for its gradual disappearance from the criminal calendars of this country. In the United States the use of the term has come to be mainly restricted to the activities of ambulance chasers and other speculative dealers in litigation. The note in the *North Carolina Law Review* refers to some interesting cases. In a 1940 case, *Gunnels* v. *Atlanta Bar Association*, it was held not barratry under statute for a bar association to offer its services gratuitously to those caught in the toils of various moneylenders. In *Brush* v. *Carbondale* (1907), 229 Ill. 144, an attorney paid the costs of a test case, and after recovery sued his client on the contract of employment. The suit was defended on the ground that the contract was barratrous and unenforceable, but the court held that the attorney was not engaged in stirring up strife and litigation, but what he was doing was of interest to all the citizens of the community.

Black Markets.

IN an article in the *Star* of 16th July Mr. F. O. LANGLEY, senior magistrate at Old Street Police Court, made some pointed comments on the relations between the public and the Bench with reference to black markets. He wrote that the wise Bench would be willing to learn from the public, if its would-be teachers showed the least tendency to agree about the lesson to be taught. They never did. "A public," he wrote, "may be wiser than the wisest of its judges if it refrains from comment on any individual case which it has not fully heard. Even the most generous and fair-minded Press cannot report in full. It has not a hundredth part of the necessary space available, let alone all else." Summary court experience disclosed that far too many hitherto reputable people seemed to allow themselves to be caught in the tentacles of the master swindlers. The Bench wondered aloud if the accused's trade unions could stop the rot among a tiny minority of their members. In meetings with the unions references to specific cases were studiously avoided. Only the mischief and the possible deterrents were discussed. Every feasible measure to dissuade those few dangerous tragic fools had been resorted to in vain, by means of notices, circulars, stern warnings, local meetings and appeals. The failure to bring to justice enough of the big operators was due to the many who condescended, from usual good faith, to dabble in or tolerate the backstairs business. Even if they did not act as thieves for the villainous receivers, they combined to create a crowd in which the villains could avoid detention. The tolerant created another obstacle by overdoing the British sporting instinct not to turn informer. The evil traffic, wrote Mr. LANGLEY, might perhaps be as suddenly and as drastically upset as the money-changing in the Bible story, if everyone who knew the whereabouts of any black market stall told the police or the Control Department. Mr. LANGLEY'S article is a welcome and important contribution to the solution of what must be recognised as one of the major problems of the home front.

Regulation 18B.

IT was quite clear from the fact that LORD ATKIN made a dissenting speech in the House of Lords in the now famous *Liversidge* case that that appeal was by no means the last word in a controversy of vital constitutional importance. A lengthy debate on the subject in the House of Commons on 21st July was the result of a motion by Commander BOWER to reduce the Home Office Vote by £100. The case for those who differ from the majority of the Law Lords was put by Commander BOWER on the basis that, while the right to detain on suspicion in times like the present is a grave but unfortunate necessity, it is fundamentally opposed to the traditions of British justice that one man should have unchallengeable power over the personal liberty of every one of his fellow citizens. He emphasised that the Home Secretary was not bound to implement the recommendations of the Advisory Committee, and the only shadow of a safeguard was the power of Parliament to repeal or alter the regulation. Mr. ERNEST EVANS argued that a system could not be efficient in which many of the sort of people who appear before the Advisory Committee are not allowed to be legally represented, and stated that it was possible for a High Court judge, sitting as a Chairman of the Advisory Committee, to come to one conclusion with regard to a particular case on the materials put before him, and to come to another conclusion on evidence put before him in the same case if it were in the High Court, subject to the rules of procedure and evidence there prevailing. Mr. IVOR THOMAS urged that at the present time the powers of the Home Secretary were absolutely necessary, that they were contrary to the basic principles of English law, and that no judicial tribunal could be asked to deal with these cases of suspicion. About 800 persons had been released since the present Home Secretary took office. Sir A. SOUTHBY quoted from "Blackstone" in support of his argument as to the danger to our constitutional liberties that might arise from a grant of the power of arbitrary imprisonment, and Mr. WATKINS pointed out that detainees could get all the legal assistance they required, and were allowed to have their solicitors in the building where cases came before the Advisory Committee, but not in the room where the cases were heard. Mr. PETHICK-LAWRENCE pointed to the danger from Quislings as part of the Hitlerite technique. Mr. PRITT expressed surprise that a number of gentlemen, none of whom had been very fond of civil liberty, should desire to say again everything that they had said before. Mr. HERBERT MORRISON, in replying to the debate, dealt with a number of specific instances which had been cited and said that the whole

of the argument in favour of the regulation was that its administration was ministerial rather than judicial, because it did not fit in with the practice, the traditions or the habits of a court of law. He said that he had a terrible responsibility and exercised it conscientiously, and it was the duty of the House to see whether he was fairly and prudently administering the regulation. On a division Commander BOWER'S motion was rejected by 222 votes to twenty-five.

Legal Aid in Manchester.

AS a postscript to the House of Lords debate on the subject of legal aid for men in H.M. Forces on 15th July (*ante*, p. 205), it is useful to note, from the recently published annual report for 1941–1942 of the Manchester and Salford Poor Man's Lawyer Association, that that body expresses the opinion that the large number of cases of matrimonial and family troubles is probably partly due to the war, as a number of inquiries relate to members of the Services. The total increase in the number of cases dealt with has been coupled with a decrease in the number of members of the profession available as advisers, as more have joined His Majesty's Forces. This has considerably increased the burden of work falling on those who remain. This burden, as LORD FINLAY'S Committee stated in 1928, "must often, for the barristers, solicitors and helpers engaged be of an exacting nature." The committee expressed its gratitude especially to those who, regarding this as the profession's peculiar form of national service, have attended almost weekly, and also to the conducting solicitors for the skill and patience shown to applicants. The considerable decrease in the number of hire-purchase cases furnished further proof, if proof were needed, of the improvement brought about by the Hire-Purchase Act, 1938. The decrease in the cases of debts and moneylenders (the latter type are comparatively rare) is marked, and may be due to the protection afforded by the Courts (Emergency Powers) Acts, as well as to increased employment. In connection with workmen's compensation cases, many of the men assisted did not belong to any trade union and therefore, but for the association's help, would have found it impossible to make good their claim for compensation. It is interesting to recall that nearly fifty years ago the first Poor Man's Lawyer was started in Manchester, so that in this matter, at any rate, Lancashire does to-day what London does to-morrow. The co-operation of the Manchester Association with the Liabilities Adjustment Officer and the Poor Man's Valuer is also noteworthy. The association is to be congratulated on a year's excellent work.

Deferment of Women Solicitors and Clerks.

SOLICITORS who are finding their labour problems increasing owing to the steady call-up of both men and women for national service will be glad to hear that as a result of communications between the Lord Chancellor's Department and the Ministry of Labour and National Service arrangements have now been made affecting the employment of women in solicitors' offices. These arrangements have been published in the current issue of *The Law Society's Gazette*, and are briefly as follows: Unmarried women born in the years 1918 to 1921 inclusive come under the National Service (No. 2) Act, 1941, and if they were employed before 1st May, 1940, six months' deferment will normally be granted by the District Man Power Board. Doubtful cases will be referred to the Regional Controller for the advice of The Law Society and the Lord Chancellor's Department. Unmarried women employed between 1st May, 1940, and 1st January, 1941, will normally be granted six months' deferment if occupying pivotal positions, and here again the Regional Controller, The Law Society and the Lord Chancellor's Department will play their part in advising in doubtful cases. All other women within the conscribed classes will be withdrawn from their present employment in solicitors' offices, and only in exceptional cases will three months' deferment be given to enable the necessary adjustments to be made. Married women in the 1918 to 1921 groups, all women in the 1917 age group and senior age groups and all women in the 1922 age group come under the Registration for Employment Order. Women in these categories born in 1921 or earlier will not be withdrawn from their present employment for the present. Women born in 1922 will be withdrawn forthwith, but, where appropriate, a short period of retention may be permitted in order to train substitutes. In the very exceptional case where a woman in the 1922 age group has been in her present employment since before 1st January, 1941, and is occupying a pivotal position, she will not be withdrawn unless and until someone has been trained to take her place. In any case where deferment has been granted the employer may submit a further application for deferment of his employee when the original period of deferment is about to terminate. With regard to the meaning of the word "pivotal" it is pointed out that in order to be "pivotal" the employer's practice must be engaged on work of national importance, and the branch of the business in which the "pivotal" worker is employed would have to close down if she were withdrawn. Applications for deferment for unmarried women born in the years 1918 to 1921 inclusive, must be made after receipt of N.S. 52W or N.S. 300W, which may be obtained from the local office of the Ministry of Labour and National Service, and should be returned to that office. All other applications for deferment should be made to the local office of the Ministry on receipt of notification (E.D. 378W) from that office that the woman will be considered for transfer.

Poor Persons and the Legal Profession.

A FINE example of the way in which senior as well as junior members of the Bar are playing their part in giving their services gratuitously for the conduct of the litigation of poor persons is provided by the recent return to the Bar after twelve years' retirement of Sir ELLIS HUME WILLIAMS, K.C., former leader of the Divorce Bar, expressly to give his valuable assistance in clearing off the arrears of poor persons' divorce cases. The President of the Divorce Court, LORD MERRIMAN, gave him a special welcome and recognised his kindness in coming back to do these cases. Meanwhile the work of solicitors, heavy, continuous and unremunerated, in this class of work, is receiving its due mead of recognition in judicial and official quarters. Both the Lord Chief Justice and the President of the Divorce Division have written to the President of The Law Society expressing their appreciation and gratitude for the admirable work being done by solicitors and its excellent organisation by The Law Society and the Provincial Societies. Special reference is made to the new Services Department set up by the Council of The Law Society. This will assume an ever-growing importance as the new internal organisation of the services' own legal advice departments grows in strength and authority. The establishment by the Council of The Law Society of the new Services Department is a measure of the willingness of the "lower branch" of the profession to play its part in any increase which may result in the volume of poor persons' cases, and of their confidence that there will always be men at the Bar of the spirit of Sir ELLIS HUME WILLIAMS to play their part in carrying on the good work.

Identification of Parties in Divorce Proceedings.

ONE of the most troublesome details in preparing an undefended divorce case for trial has always been the identification at the hearing of the persons against whom the relevant evidence is given with the persons served with the papers in the case. Whenever possible, it was necessary for the persons who were to give evidence of identification to be present at the service of the petition and citation, and this was always preferred to evidence of identification by photograph or by handwriting. The war has made the matter even more difficult than in peace time, especially when it is necessary to identify persons in the Forces, who may be serving hundreds of miles away from where the witness of identity lives. The current issue of *The Law Society's Gazette* records that Divorce Registrars who were told that at the hearing a written acknowledgment could be proved to be in the handwriting of the person concerned would accept the affidavit of service as to his identity, but would not do so if such an assurance were not given. Registrars were also not satisfied by the statement of respondents as to the identity of the co-respondents or women named where the two parties were served at the same time. As a result of a personal review of the matter by the President of the Divorce Division and the Senior Registrar at the instance of the Council of The Law Society, there has been a relaxation for the time being in the official requirements about the identification when the party admits that he is the person cited and signs a receipt to this effect. Some additional identification should, however, be obtained whenever possible, and in the case of a person serving in the Forces, it may consist of identification by an officer or N.C.O. of the unit, and inspection of the pay book and identity disc. In the case of a civilian, the national identity card may afford some evidence. Every case must stand or fall on its own facts, and even if these requirements are fulfilled, the judge may decide at the hearing that there is insufficient evidence of identification. Cases of special difficulty may be referred to the sitting Registrar.

Recent Decisions.

In *In re Clarke, deceased, Skelton* v. *Redrup*, on 21st July (*The Times*, 22nd July), FARWELL, J., held that where a testatrix by her will bequeathed an annuity of 10s. a week to C and directed her executor to appropriate a capital sum the income of which should be sufficient to meet the annuity, and subject thereto to pay the appropriated fund to The Society for the Propagation of the Gospel in Foreign Parts, the death of C before that of the testatrix did not cause the gift to the society to be defeated.

In *Smart Bros., Ltd.* v. *Ross*, on 23rd July (*The Times*, 24th July), the House of Lords (the Lord Chancellor, LORD ATKIN, LORD THANKERTON, LORD WRIGHT and LORD PORTER) allowing an appeal from the Court of Appeal, held that the appellants, a company which let out furniture on hire-purchase terms, were entitled to take possession of furniture without obtaining the leave of the court under s. 1 (2) (*a*) (ii) of the Courts (Emergency Powers) Act, 1939, where the hire-purchase agreement had been rescinded by the consent of both parties without any pressure or duress on either side, on the terms that the hirer should be repaid £10 of the £24 which she had paid in respect of hire instalments. The House held that no "remedy" referred to in the statute was being exercised, either directly or indirectly.

Procedure in 1941.

Review of the Year.

(*Continued from p.* 207.)

II. Alien Enemy.

Action by British Subject for Recovery of Deposit.

A British subject who, before the outbreak of war, had deposited money with a refugee organisation to help two refugees to come from Vienna to England was entitled to sue for the return of the deposit. Any money recovered could be handed to the Custodian of Enemy Property so that it need not pass into the hands of an enemy alien. It would be wrong for the defendants to keep the money of depositors. A stay of execution could be granted and the money vested in the Custodian (*Weiner* v. *Central Fund for German Jewry* (1941), 2 All E.R. 29, *per* Singleton, J., following the reasoning of Rowlatt, J., in *Schmitz* (*Schmidt*) v. *Van Der Deen & Co.* (1915), 84 L.J.K.B. 861). See also at (1942), 58 L.Q.R. 199, McNair, *Procedural Capacity of Alien Enemies.*

Company in Enemy-occupied Territory.

A company incorporated and trading in Holland did not become, upon the German occupation, an alien enemy at common law, although, under the Trading with the Enemy Act, 1939, no payment could be made to them while Holland was in German occupation. Hostile occupation of a friendly country does not make its residents enemies; a Dutchman who escaped and came to England would be under no enemy disability. The Act does not make an enemy a person who is not at common law an enemy. The company could sue in England to recover a back debt. The retainer of their solicitors was not determined when, for the purposes of the Act, they became enemies (*Re Scheepvaart and Sovfracht* (1941), 3 All E.R. 419). Leave has been given to appeal to the House of Lords to test this new principle. See 58 L.Q.R. 203, 204.

III. Service of Writ.

Serving Soldiers.

The practice of King's Bench masters of automatically staying an action against serving soldiers on "usual terms" has been condemned by the Court of Appeal. An order for a stay is to be made "only after a proper and full consideration of the facts, and only when the facts warrant it." The Treasury Solicitor who acts for a serving soldier should have full opportunity of tracing his witnesses; on the other hand, the plaintiff is entitled to have his case heard on such materials as are available, at a reasonably early date (*Bell* v. *Walker* (1941), 1 All E.R. 307; 85 Sol. J. 152).

Substituted Service.

(*a*) The English courts do not admit constructive service; the Court of Appeal declined to order substituted service where the proposed defendant resided in Denmark, being enemy-occupied territory, and it was proposed to insert an advertisement giving notice of the action in a Swedish newspaper which was said to have a circulation in Copenhagen. It was improbable that such a notice would get through the German censorship into Denmark. Service by advertisement should only be ordered if the notice would be probably effective to bring notice of the writ to the defendant (*Churchill & Co.* v. *Lonberg* (1941), 3 All E.R. 137; 85 Sol. J. 397, following the judgment of the full Court of Appeal in *Porter* v. *Freudenberg* [1915] 1 K.B. 857, 888, 889; and see 58 L.Q.R. 220–222).

The effect of this decision has been nullified by the new Ord. IX, r. 14B, which permits the court to dispense with service of a writ or a notice of a writ upon an "enemy" within the Trading with the Enemy Act, 1939, if (i) the court is satisfied that prompt personal service is impossible or could not be proved, and substituted service should not be ordered, *and* (ii) the applicant produces to the court a statement of claim signed by counsel and an affidavit showing that on merits the applicant is entitled to succeed (85 Sol. J. 452).

(*b*) A clause in a policy of insurance giving the insurers control of litigation does not make the insurers parties to an action against the assured for personal injuries. The insurers cannot apply or appeal in their own name. An order made by the master that one of the underwriters be at liberty to appear on behalf of the assured is not a proper order. If a solicitor, without the authority of the defendant, enters an appearance for a defendant, the appearance can be set aside and he can be ordered to pay the costs personally (*Murfin* v. *Ashbridge* (1941), 1 All E.R. 231; 85 Sol. J. 138).

Service out of the Jurisdiction.

Where a bill of lading contains a clause that it is to be governed by English law, but also contains a clause incorporating the terms and provisions of the Australian Carriage of Goods by Sea Act, 1924, and the Schedule, stating that this statute should prevail over anything in the bill of lading inconsistent with it, Australian law prevails. Since that law provides that parties to a bill of lading concerning carriage of goods from Australia should be deemed to contract according to the law of the place of shipment, the contract was governed by the law of that place, viz., Brisbane, and leave for service out of the jurisdiction could not be granted. This contract was not one by its terms or by implication to be governed by English law, under Ord. XI, r. 1 (*e*) (iii). Australian courts were more able to decide such a case than English courts (*Ocean Steamship Co., Ltd.* v. *Queensland State Wheat Board* (1941), 1 All E.R. 158; 85 Sol. J. 115).

IV. Limitation of Actions.

Where a new cause of action (e.g., a new form of negligence in a statement of claim for damages for personal injuries) was statute-barred under the Public Authorities Protection Act, 1893, before the Limitation Act, 1939, came into operation, this latter statute (which introduces a period of limitation of twelve months in the place of the old period of six months), does not save the claim. The cause of action was completely barred before the new statute was in force (*Batting* v. *London Passenger Transport Board* (1941), 1 All E.R. 228; 85 Sol. J. 103).

(*To be continued.*)

A Conveyancer's Diary.

Advertisements for Claims.

For the protection of trustees and administrators administering estates, or executing trusts, out of court, it is enacted by Trustee Act, s. 27, that trustees or executors shall not be liable if they distribute the fund ignoring any person who does not notify his claim upon it to them within due time after the publication of certain advertisements for which subs. (1) provides. The notice required is one "by advertisement in the *Gazette*, and in a newspaper circulating in the district in which the land is situated" (if land is involved) "and such other like notices, including notices elsewhere than in England and Wales, as would, in any special case, have been directed by a court of competent jurisdiction in an action for administration." The notice is to be of the advertiser's "intention to make such conveyance or distribution as aforesaid, and requiring any person interested to send to the trustees or personal representatives within the time, not being less than two months, fixed in the notice, or, where more than one notice is given, in the last of the notices, particulars of his claim in respect of the property or any part thereof to which the notice relates."

The intention of the section is an admirable one, viz., to protect trustees and personal representatives from claims by persons unknown to them and to render thereby excuses for delays in completing their duties. But I have always wondered whether the procedure under the section does really operate to bring the facts to the notice of those who may be interested. This is just the sort of thing which one seldom sees in practice at the Bar, and I should be interested to know whether the experience of solicitors bears out my impression, which is based on having seen a fair number of cases of *bona vacantia*. In such cases there is a similar system for advertisements for kin, elaborate notices being put in the *Gazette* and usually in three newspapers. These advertisements seldom produce any claims, even fraudulent ones: I have even known a case where the estate was worth almost £50,000, but no one tried to claim any of it.

On the other hand, it is difficult to see what sort of procedure, other than one by advertisement, can be devised to meet these cases. The real purpose is to free personal representatives from liability on claims of which they do not know, and the utility of these notices, from the point of view of apprising potential claimants, is going to be small, in any event; it seems, therefore, worth considering whether the system could not, perhaps, be made simpler and less ritualistic. This observation is prompted by the shocking waste of paper which is involved at present in the publication of these notices. There were about a dozen two-column pages of them in a copy of the *Gazette* which I saw recently, and *The Times* newspaper of the last three or four days contains anything from half to two and a half columns of them. I do not know who reads the *Gazette*, and I cannot help feeling that few of us really read the columns of the daily newspapers which are devoted to this class of matter with the same attention as we pay to other parts of them. At present each case has a separate entry, and each entry recites a solemn form of words which varies little from case to case. What really seems necessary is a short note of the name of the deceased, the names and addresses of the personal representatives, and the date by which claims must be received. All the other matter is common to all the entries, and it would surely be possible for all the notices in one issue to be set out in a single table with a joint introduction stating the common matter, thus: "Pursuant to the Trustee Act, 1925, notice is hereby given that the personal representatives named below of the deceased persons named below will proceed to distribute the respective estates at the expiration of two months from to-day, paying regard only to such claims as are notified to the personal representatives in question before that date." Then would follow a table.

The difficulty that appears to be felt at present seems to lie in the provision of s. 27 that there are to be advertisements not only in the *Gazette* and in the local paper (if land is involved), but also such notices as in any given case the court would have ordered. This last provision cannot but force those concerned

to err on the side of caution. The procedure is ineffective unless the notices are such as the court would have ordered, but what the court would order in any case is a matter for intelligent speculation. Hence there must be a tendency to multiply the insertions so as to make sure of including the right newspapers in the list. Moreover, it is difficult at present not to frame those notices in the same form as those used by the court. Appendix L to the Rules of the Supreme Court contains standard forms, and it is evident that the flowing style usually adopted is modelled on those standard forms. As the law stands, it is obvious that a strict usage of the forms in the "Annual Practice" ensures at least that the advertisement is not impeachable on the mere ground of form. But literally acres of paper would be saved in a year if Appendix L were amended on the lines of my suggestion above; and unless it is amended it is not likely that the present practice will be changed.

It would also, I think, be as well if s. 27 itself were altered so as to provide that such notices shall be inserted "as are in the circumstances reasonable and proper": that is, a test of actual reasonableness should be substituted for the present less direct test of what the parties reasonably suppose the court would regard as reasonable. Thus, in *Re Bracken*, 43 Ch. D. 1, the court held that it was unnecessary to advertise in a national newspaper for the creditors of a farmer who had lived for decades in the same country district, and that decision was eminently reasonable. But under the present procedure it is necessary to forecast what the court would have done; and it is impossible to forget that the only circumstances in which that forecast will have to be defended are those where something has gone wrong. From this consideration caution must follow; with an objective test of reasonableness those concerned would feel more free to be brief and to minimise the number of insertions.

These desirable changes will not come in a day. In the meantime it behoves those concerned to study the notices that are being inserted before they decide what to do themselves. They will find in the newspapers each day a few, though too few, instances where commendable brevity has been achieved. Such models could profitably be followed.

Correspondence.

Estate Duty and Capital Moneys.

Sir,—We think it well to call the attention of practitioners generally, and more particularly practitioners who deal with settled landed estates, to a change of practice recently made in the Estate Duty Office.

For many years it has been the practice of the Estate Duty Office to treat capital moneys held by Settled Land Act trustees and representing proceeds of sale of realty subject to a strict settlement, as realty on the death of a tenant for life. The obvious advantage, of course, of such treatment (and rightly or wrongly) was that interest on the estate duty payable in respect of the capital moneys did not begin to run until the first anniversary of the death of the tenant for life.

The view held by the Estate Duty Office was supported by Mr. Green in his excellent book on "Death Duties," p. 20, 2nd para., and the case of *In the Goods of Lloyd* (1884), 9 P.D. 65, 20 Digest 375, 1126, therein referred to; moreover see Snell's "Equity," 20th ed., p. 185, and *Fletcher* v. *Ashburner*, I.L.C. 898.

In a recent case of a settled estate with which we are concerned we have been informed by the Estate Duty Office that although the view as expressed by Mr. Green did represent the view formerly accepted by the office for death duty purposes, the office has recently been advised that such view was untenable where capital moneys under the Settled Land Acts were concerned. The official reasons are too lengthy to deal with in this letter, but briefly the chief reason is that as there is no *imperative* requirement that capital moneys shall be invested in real estate, the capital moneys must, for the purpose of death duties, be treated as personalty, with the result that interest is payable on the estate duty from the date of death.

In these days, when interest on estate duty is equivalent to 6 per cent. gross, the effect of the change of official opinion will be readily appreciated by practitioners.

Uppingham. WALTERS & Co.
17th July.

Parliamentary News.

HOUSE OF LORDS.

Allied Powers (War Service) Bill [H.C.].
In Committee. [28th July.

Housing (Rural Workers) Bill [H.C.].
Read Second Time. [28th July.

United States of America (Visiting Forces) Bill [H.L.].
Read First Time. [28th July.

War Damage (Amendment) Bill [H.C.].
Read Third Time. [22nd July.

HOUSE OF COMMONS.

National Service (Foreign Countries) Bill [H.C.].
Read Second Time. [28th July.

Landlord and Tenant Notebook.

"Once a Dwelling-house, always a Dwelling-house."

In last week's "Notebook" I discussed the recent case of *Carter* v. *S.U. Carburetter Co., Ltd.*, which showed that a limited company could enjoy the protection of the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, in so far as those Acts provided for maximum rents. The company concerned in that case had taken a house and sublet it in parts to its employees, a proceeding which was presumably *intra vires*; but the thought may have crossed some minds, what would be the position if it had used the building for the main purposes of its business, presumably the manufacture of carburetters?

The house for which rent was claimed in the case mentioned had admittedly been a dwelling-house. Section 1 of the 1920 Act restricts the right to increase the rent "of any *dwelling*-house to which this Act applies." Section 12 (2) of the same Act provides that the Act shall apply "to a house or part of a house let as a separate *dwelling*, where either the annual value . . ." etc. Section 3 of the 1939 Act, extending the scope, applied the principal Acts "to every other *dwelling*-house of which the rateable value . . ." etc. And by s. 12 (6) of the 1920 Act: "Where this Act has become applicable to any dwelling-house or any mortgage thereon, it shall continue to apply thereto whether or not the dwelling-house continues to be one to which this Act applies."

The Acts do not define "dwelling-house"; what is more awkward, they do not define "let as . . ."; and the provision last mentioned, "continuing to apply," is one which has caused much bewilderment. All one can say to date is that it does not mean all it appears to mean; but now much of the rest is to be taken literally is a question which cannot yet, despite the length of time during which the Acts have been in force, be authoritatively answered.

One has not only to consider what conditions determine the character of a building for the purposes of the Acts, but also when those conditions must obtain or must have obtained. Be it remembered that the housing shortage which was the reason for this legislation caused many people to dwell in buildings which were not meant to be residences; and that unless a lease provides otherwise, a tenant is entitled to use premises for any purpose.

Leaving aside cases of "combined premises"—shops with living accommodation, and the like—and cases in which the question of "dominant user" has been raised, one can find a useful observation on the type of problem under consideration in the judgment of Bankes, L.J., in *Phillips* v. *Hallahan* (1925), 41 T.L.R. 407. The history of the holding dealt with in that case, described as "a shop," was that in 1912 it had been let with a "dwelling-house"—presumably part of the same building. In 1913 the tenant sublet "the shop portion of the premises." The sub-tenancy determined before 3rd August, 1914. The plaintiff bought the building—one gathers with vacant possession—in 1919, occupying house and shop. She let the shop in 1920, the tenancy determining in 1923. She then let shop and house, separately, to the defendant; in 1924 she gave him notice to quit the shop, and in the subsequent action, the county court judge (though finding as a fact that there were genuine separate lettings) decided that he was a protected tenant. This led to the judicial observation mentioned; the learned lord justice did not think that s. 12 (6) of the 1920 Act "applied to such a case, where a dwelling-house had ceased *to be a* dwelling-house and had become business premises."

From this one sees that a dwelling-house may cease to be a dwelling-house; but the decision throws little light on the question "what is a dwelling-house?" Is the answer determined by actual user, authorised user, nature of structure, or what?

The earlier case of *Williams* v. *Perry* [1924] 1 K.B. 936 can undoubtedly be helpful in some circumstances. The action was for rent, the defendant counter-claiming excess payments by virtue of the Rent, etc., Restrictions Acts. The premises are described as "consisting of a shop on the ground floor and living rooms above." They were let from 1914 to 1919 to a tenant who used them for business and residence. They were then let to the defendant under a verbal agreement, he saying that he wanted the shop for his business and the upper part as store-rooms and workrooms; that he did not want to use any part as a dwelling-house; that he had a house of his own elsewhere. Soon after going into occupation, he sublet part of the premises "as" a dwelling-house and later on went to live there himself.

It had then already been decided, in *Phillips* v. *Barnett* [1922] 1 K.B. 223, that structural alterations might deprive a building of its character as a dwelling-house; but the alterations in that case were drastic, involving the converting of three houses into one factory, and the gist of the judgment of Bankes, L.J., was: "so long as they remained identifiable they continued subject to the provisions of the statute, but when they lost their identity the statute no longer applied any more than it would apply if instead of being structurally altered the three houses had been pulled down and a new building erected on their site." So it was open to counsel for the defendant in *Williams* v. *Perry* to argue that despite his client's breach of faith, s. 12 (6) of the

COUNTY COURT CALENDAR FOR AUGUST, 1942.

Circuit 1—Northumberland

HIS HON. JUDGE RICHARDSON

Alnwick, 18
Berwick-on-Tweed, 10
Blyth,
Consett, 14
Gateshead, 4
Hexham, 5
Morpeth, 7
†*Newcastle-upon-Tyne, 6 (B.), 11, 19 (R.B.), 21 (J.S.)
North Shields, 27
Seaham Harbour, 17
South Shields, 19
Sunderland, 12, 13, 20 (R.B.)

Circuit 2—Durham

HIS HON. JUDGE GAMON

Barnard Castle,
Bishop Auckland,
Darlington,
*Durham,
Guisborough,
Leyburn,
†*Middlesbrough,
Northallerton,
Richmond,
†*Stockton-on-Tees,
Thirsk,
West Hartlepool,

Circuit 3—Cumberland

HIS HON. JUDGE ALLSEBROOK

Alston,
Appleby, 10
†*Barrow-in-Furness, 5, 6
Brampton, 20
*Carlisle, 5 (R.), 19
Cockermouth,
Haltwhistle, 15
*Kendal, 18
Keswick, 6 (R.)
Kirkby Lonsdale, 4
Millom,
Penrith, 21
Ulverston,
†*Whitehaven, 12
Wigton, 14
Windermere, 7
*Workington, 13

Circuit 4—Lancashire

HIS HON. JUDGE PEEL, O.B.E., K.C.

Accrington, 20
†*Blackburn, 5 (R.B.), 10, 17, 24 (J.S.)
†*Blackpool, 5, 6, 14 (R.B.), 19 (J.S.)
*Chorley, 13
Clitheroe, 11 (R.)
Darwen, 28 (R.)
Lancaster, 7
†*Preston, 4, 18 (J.S.), 21 (R.B.)

Circuit 5—Lancashire

HIS HON. JUDGE HARRISON

†*Bolton,
Bury,
*Oldham,
*Rochdale,
*Salford,

Circuit 6—Lancashire

HIS HON. JUDGE CROSTHWAITE
HIS HON. JUDGE PROCTER

†*Liverpool,
St. Helens,
Southport,
Widnes,
*Wigan,

Circuit 7—Cheshire

HIS HON. JUDGE RICHARDS

Altrincham,
*Birkenhead,
Chester,
*Crewe,
Market Drayton,
Nantwich,
*Northwich,
Runcorn,
*Warrington, 13 (R.)

Circuit 8—Lancashire

HIS HON. JUDGE RHODES

Leigh, 7
†*Manchester, 4, 5, 7 (B.), 12, 26, 27

Circuit 10—Lancashire

HIS HON. JUDGE BURGIS

*Ashton-under-Lyne,
*Burnley,
Colne,
Congleton,
Hyde,
*Macclesfield,
Nelson,
Rawtenstall,
Stalybridge,
*Stockport,
Todmorden,

Circuit 12—Yorkshire

HIS HON. JUDGE NEAL

*Bradford, 7, 19 (R.B.), 21 (J.S.), 25
Dewsbury, 6 (R.) (R.B.), 11
*Halifax, 6 (J.S.), 7 (R.B.)
*Huddersfield, 4 (J.S.), 5 (R.B.)
Keighley, 13
Otley, 12
Skipton, 14
Wakefield, 18, 25 (R.) (R.B.)

Circuit 13—Yorkshire

HIS HON. JUDGE ESSENHIGH

*Barnsley, 12, 13, 14
Glossop, 5
Pontefract, 17, 18, 19
Rotherham, 25, 26
*Sheffield, 6, 7, 11 (J.S.), 14 (R.), 20, 21

Circuit 14—Yorkshire

HIS HON. JUDGE STEWART

Easingwold,
Harrogate,
Helmsley, 11
Leeds, 5, 12, 13 (J.S.), 14 (R.); 19 (R.), 25 (R.B.), 26 (R.)
Ripon,
Tadcaster,
York,

Circuit 16—Yorkshire

HIS HON. JUDGE GRIFFITH

Beverley,
Bridlington,
Goole,
Great Driffield,
†*Kingston-upon-Hull
New Malton,
Pocklington,
*Scarborough,
Selby,
Thorne,
Whitby,

Circuit 17—Lincolnshire

HIS HON. JUDGE LANGMAN

Barton-on-Humber,
†*Boston, 13 (R.)
Brigg,
Caistor,
Gainsborough, 7 (R.)
Grantham,
†*Great Grimsby, 6 (R.B.) (*R. every Wednesday*)
Holbeach,
Horncastle,
*Lincoln, 6 (R.)
*Louth,
Market Rasen,
Scunthorpe,
Skegness,
Sleaford,
Spalding,
Spilsby,

Circuit 18—Nottinghamshire

HIS HON. JUDGE HILDYARD, K.C.

Doncaster,
East Retford,
Mansfield,
Newark, 7 (R.)
*Nottingham,
Worksop,

Circuit 19—Derbyshire

HIS HON. JUDGE WILLES

Alfreton,
Ashbourne,
Bakewell,
Burton-on-Trent,
Buxton,
*Chesterfield,
*Derby,
Ilkeston,
Long Eaton,
Matlock,
New Mills,
Wirksworth,

Circuit 20—Leicestershire

HIS HON. JUDGE GALBRAITH, K.C.

Ashby-de-la-Zouch,
*Bedford,
Bourne,
Hinckley,
Kettering,
*Leicester,
Loughborough,
Market Harborough,
Melton Mowbray,
Oakham,
Stamford,
Wellingborough,

Circuit 21—Warwickshire

HIS HON. JUDGE DALE
HIS HON. JUDGE FINNEMORE (Add.)

*Birmingham, 10, 11 (B), 12

Circuit 22—Herefordshire

HIS HON. JUDGE ROOPE REEVE, K.C.

Bromsgrove, 20
Bromyard,
Evesham, 19
Great Malvern, 17
Hay, 5
*Hereford, 11, 21
*Kidderminster, 4, 18
Kington, 12
Ledbury,
*Leominster, 10
*Stourbridge, 6, 7
Tenbury,
*Worcester, 13, 14

Circuit 23 — Northamptonshire

HIS HON. JUDGE FORBES

Atherston,
Banbury,
Bletchley,
Chipping Norton,
*Coventry, 11 (R.B.), 31
Daventry,
Leighton Buzzard,
*Northampton, 18 (R.), 21 (R.B.)
Nuneaton,
Rugby, 20 (R.)
Shipston-on-Stour,

Circuit 24 — Monmouthshire

HIS HON. JUDGE THOMAS

Abergavenny, 14
Abertillery, 11
Bargoed, 12
Barry, 6
†*Cardiff, 4, 5, 7, 8
Chepstow, 17
Monmouth, 18
†*Newport, 20, 21
Pontypool and Blaenavon, 19
*Tredegar, 13

Circuit 25—Staffordshire

HIS HON. JUDGE CAPORN

*Dudley, 11 (J.S.,) 25
*Walsall, 13, 27 (J.S.)
*West Bromwich, 12, 26 (J.S.)
*Wolverhampton, 14 (J.S.), 28

Circuit 26—Staffordshire

HIS HON. JUDGE FINNEMORE

Burslem,
*Hanley,
Leek,
Lichfield,
Newcastle-under-Lyme,
*Stafford,
*Stoke-on-Trent,
Stone,
Tamworth,
Uttoxeter,

Circuit 27—Middlesex

HIS HON. JUDGE TUDOR REES

Whitechapel (*Sitting at Shoreditch County Court*), 6

Circuit 28-Shropshire

HIS HON. JUDGE SAMUEL, K.C.

Brecon, 14
Bridgnorth, 12
Builth Wells, 6
Craven Arms, 4
Knighton, 5
Llandrindod Wells, 7
Llanfyllin,
Llanidloes,
Ludlow, 10
Machynlleth,
Madeley, 13
*Newtown,
Oswestry, 11
Presteign,
*Shrewsbury, 17, 20
Wellington, 18
Welshpool,
Whitchurch, 19

Circuit 29—Caernarvonshire

HIS HON. JUDGE SIR ARTEMUS JONES, K.C.

Bala,
†*Bangor, 12
Blaenau Festiniog, 18
*Caernarvon, 19
Colwyn Bay, 20
Conway,
Corwen,
Denbigh,
Dolgelly,
Flint,
Holyhead, 13
Holywell, 10
Llandudno,
Llangefni,
Llanrwst, 21 (R.)
Menai Bridge,
Mold, 26
*Portmadoc, 17
Pwllheli, 21
Rhyl, 14
*Ruthin, 15
Wrexham, 24, 25 (R.B.)

Circuit 30 — Glamorganshire

HIS HON. JUDGE WILLIAMS, K.C.

*Aberdare, 17
Bridgend, 24 (R.), 25, 26, 27, 28
Caerphilly, 20 (R.)
Merthyr Tydfil, 6, 7
*Mountain Ash, 5
Neath, 18, 19, 20
*Pontypridd, 12, 13, 14
Port Talbot, 21
*Porth, 10
*Ystradyfodwg, 11

Circuit 31—Carmarthenshire

HIS HON. JUDGE MORRIS, K.C.

Aberayron, 8
*†Aberystwyth, 6
Ammanford, 5, 21
Cardigan,
†*Carmarthen, 4
†*Haverfordwest, 19
Lampeter, 1
Llandilo,
Llandovery, 15
Llanelly, 7, 20
Narberth, 18
Newcastle-in-Emlyn, 10
Pembroke Dock, 17
*Swansea, 11, 12, 13, 14, 24, 25

Circuit 32—Norfolk

HIS HON. JUDGE ROWLANDS

Beccles,
Bungay,
Diss,
Downham Market,
East Dereham,
Eye,
Fakenham,
†*Gt. Yarmouth,
Harleston,
Holt,
†*King's Lynn,
†Lowestoft,
North Walsham,
*Norwich,
Swaffham,
Thetford,
Wymondham,

Circuit 33—Essex

HIS HON. JUDGE HILDESLEY, K.C.

Braintree,
*Bury st. Edmunds, 11
*Chelmsford,
Clacton,
Colchester,
Felixstowe, 12
Halesworth,
Halstead,
Harwich, 7
†*Ipswich, 5, 6
Maldon
Saxmundham,
Stowmarket,
Sudbury,
Woodbridge,

Circuit 34—Middlesex

HIS HON. JUDGE AUSTIN JONES
HIS HON. JUDGE TUDOR REES (Add.)

Uxbridge, 18

Circuit 35 — Cambridgeshire

HIS HON. JUDGE CAMPBELL

Biggleswade,
Bishops Stortford,
*Cambridge,
Ely,
Hitchin,
*Huntingdon,
Luton,
March,
Newmarket,
*Oundle,
Peterborough,
Royston,
Saffron Walden,
Thrapston,
Wisbech,

Circuit 36—Berkshire

HIS HON. JUDGE HURST

*Aylesbury, 7, 14 (R.B.)
Buckingham, 11
Henley-on-Thames,
High Wycombe
*Oxford, 6
Reading, 6 (R.B.), 12, 13, 14
Thame,
Wallingford, 10
Wantage, 11
*Windsor, 5
Witney,

Circuit 37—Middlesex

HIS HON. JUDGE HARGREAVES

Chesham, 11
*St. Albans, 4
West London, 6

Circuit 38—Middlesex

HIS HON. JUDGE ALCHIN

Barnet, 4
*Edmonton, 6
Hertford,
Watford, 5

Circuit 39—Middlesex

HIS HON. JUDGE ENGELBACH

Shoreditch, 6

Circuit 40—Middlesex

HIS HON. JUDGE JARDINE, K.C.
HIS HON. JUDGE DRUCQUER (Add.)
HIS HON. JUDGE TUDOR REES (Add.)

Bow,

Circuit 41—Middlesex

HIS HON. JUDGE EARENGEY, K.C.
HIS HON. JUDGE TREVOR HUNTER, K.C. (Add.)

Clerkenwell, 4, 5

Circuit 42—Middlesex

HIS HON. JUDGE DAVID DAVIES, K.C.

Bloomsbury, 4, 5, 6, 7

Circuit 43—Middlesex

HIS HON. JUDGE LILLEY
HIS HON. JUDGE DRUCQUER (Add.)

Marylebone 6, 13

Circuit 44—Middlesex

HIS HON. JUDGE SIR MORDAUNT SNAGGE
HIS HON. JUDGE AUSTIN JONES (Add.)

Westminster,

Circuit 45—Surrey

HIS HON. JUDGE HANCOCK, M.C.
HIS HON. JUDGE HURST (Add.)

*Kingston, 7, 10, 11
*Wandsworth 5, 6

Circuit 46—Middlesex

HIS HON. JUDGE DRUCQUER

Brentford, 10, 17, 24, 31
*Willesden, 11, 18, 25

Circuit 47—Kent

HIS HON. JUDGE WELLS
HIS HON. JUDGE HURST (Add.)

Southwark, 4, 6, 7
Woolwich, 5

Circuit 48—Surrey

HIS HON. JUDGE KONSTAM, C.B.E., K.C.

Dorking,
Epsom,
*Guildford,
Horsham,
Lambeth,
Redhill,

Circuit 49—Kent

HIS HON. JUDGE CLEMENTS

Ashford, 10
*Canterbury, 4
Cranbrook,
Deal, 7
*Dover,
Faversham, 17
Folkestone, 11
Hythe, 14
*Maidstone, 21
Margate, 6
*Ramsgate,
†*Rochester, 19, 20
Sheerness, 13
Sittingbourne, 18
Tenterden, 12

Circuit 50—Sussex

HIS HON. JUDGE AUSTIN JONES
HIS HON. JUDGE ARCHER, K.C. (Add.)

Arundel,
Brighton,
†*Chichester,
*Eastbourne,
*Hastings,
Haywards Heath,
*Lewes,
Petworth,
Worthing,

Circuit 51 — Hampshire

HIS HON. JUDGE TOPHAM, K.C.

Aldershot, 14, 15
Basingstoke, 12
Bishops Waltham, 5
Farnham, 21
*Newport, 26
Petersfield,
†*Portsmouth, 6, 10 (B.), 13, 20
Romsey, 7
Ryde,
†*Southampton, 4, 11, 18, 19 (B.)
*Winchester, 19

Circuit 52—Wiltshire

HIS HON. JUDGE JENKINS, K.C.

*Bath,
Calne,
Chippenham,
Devizes,
*Frome,
Hungerford,
Malmesbury,
Marlborough,
Melksham,
*Newbury,
*Swindon,
Trowbridge,
Warminster,
Wincanton,

Circuit 53—Gloucestershire

HIS HON. JUDGE KENNEDY, K.C.

Alcester,
*Cheltenham,
Cirencester,
Dursley,
†*Gloucester,
Newent,
Newnham,
Northleach,
Redditch,
Ross,
Stow-on-the-Wold,
Stratford-on-Avon,
Stroud,
Tewkesbury,
Thornbury,
Warwick,
Winchcomb,

Circuit 54—Somersetshire

HIS HON. JUDGE WETHERED

†*Bridgwater,
†*Bristol,
Minehead,
*Wells,
Weston-super-Mare,

Circuit 55 — Dorsetshire

HIS HON. JUDGE CAVE, K.C.

Andover, 12
Blandford, 19
*Bournemouth, 13 (R.), 21 (J.S.), 24, 25
Bridport, 11
Crewkerne, 18 (R.)
*Dorchester, 7
Lymington, 14
†Poole, 5, 26 (R.)
Ringwood, 20
*Salisbury, 6
Shaftesbury, 10
Swanage, 28
*Weymouth, 4
Wimborne, 17
*Yeovil, 13

Circuit 56—Kent

HIS HON. JUDGE SIR GERALD HURST, K.C.

Bromley,
*Croydon, 18 (R.) 25, 26
Dartford,
East Grinstead,
Gravesend,
Sevenoaks,
Tonbridge,
Tunbridge Wells,

Circuit 57-Devonshire

HIS HON. JUDGE THESIGER

Axminster,
†*Barnstaple,
Bideford,
Chard,
†Exeter,
Honiton,
Langport,
Newton Abbot,
Okehampton,
South Molton,
Taunton,
Tiverton,
*Torquay,
Torrington,
Totnes,
Wellington,

Circuit 58—Essex

HIS HON. JUDGE TREVOR HUNTER, K.C.

Brentwood,
Gray's Thurrock,
Ilford,
Southend,

Circuit 59—Cornwall

HIS HON. JUDGE ARMSTRONG

Bodmin,
Camelford,
Falmouth,
Helston,
Holsworthy,
Kingsbridge,
Launceston,
Liskeard,
Newquay,
Penzance,
†*Plymouth,
Redruth,
St. Austell,
Tavistock,
†*Truro,

The Mayor's & City of London Court

HIS HON. JUDGE DODSON
HIS HON. JUDGE WHITELEY, K.C.
HIS HON. JUDGE THOMAS
HIS HON. JUDGE BEAZLEY

Guildhall, 5

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* = Bankrupty Court
† = Admiralty Court
(R.) = Registrar
(J.S.) = Judgment Summonses
(B.) = Bankruptcy
(R.B.) = Registrar in Bankruptcy
(Add.) = Additional Judge
(A.) = Admiralty

1920 statute saved the situation. The court thought otherwise. In the words of Swift, J., " any one who walks through Lincoln's Inn may see houses there which at one time were dwelling-houses but, with no or very little structural alterations, have become business premises . . . premises in which no one dreams of residing and which no one would call dwelling-houses." And, later, " the defendant made a bargain by which he took the premises in question, not as a dwelling-house but as business premises . . . I can see no reason why a dwelling-house should not be converted into business premises just as much by the agreement of the parties *and* their user as by structural alteration."

The learned judge did not go so far as to lay down that user alone would effect the conversion. However, part of the ground is covered; structural alterations and agreement are factors which will take the premises out of the Act. But what is really lacking is a decision, not on s. 12 (2) but on s. 13 (2), interpreting the words " let *as* a separate dwelling," or on s. 3 (1) of the 1939 Act: " every other *dwelling-house*." We might then ascertain, for instance, what is the full significance of Swift, J.'s " which no one would call dwelling-houses " in the passage cited above and know whether if a tenant takes, say, a disused search-light station or a small factory or some other building never used as a residence, but so uses it, the Acts thereupon apply.

Our County Court Letter.

Wages during Sickness.

In a recent case at Bromsgrove County Court (*Mills* v. *Birmingham Small Arms Co., Ltd.*) the plaintiff's claim was for £98 for loss of wages through being prevented from following her employment. The plaintiff's case was that she had entered the defendants' employment in July, 1940. She was taken ill in May, 1941, and on the 10th May her doctor diagnosed chronic lead poisoning. On the 10th June the plaintiff was ready to resume light outdoor employment, but none was found for her. The defendants nevertheless kept her insurance cards and declined to release her under the Essential Works Order until the 24th November, 1941. In consequence, the plaintiff had lost twenty-eight weeks' wages at £3 10s. per week. It was discovered that the plaintiff's illness was not due to lead poisoning, but to an infection of the teeth. Being without her insurance cards, however, the plaintiff had been unable to obtain other employment, and could not even obtain National Health benefit. The case for the defendants was that, having been unable to obtain workmen's compensation for the alleged lead poisoning, the plaintiff had made the present claim as an after-thought. The lack of her insurance cards should not have prevented her from obtaining work elsewhere, as she could have obtained an emergency card from the employment exchange. The records of the defendants showed that she had been discharged, at her own request, on the 21st June, 1941. No medical certificate had been received that she was ill and there was no trace of any request for her cards. The contract was to pay her wages on an hourly basis and only while at work. No agreement was made to pay wages during a period of absence. His Honour Judge Roope Reeve, K.C., held that the defendants, in the absence of a specific agreement to that effect, were not liable for wages during illness. The records of the defendants were trustworthy and indicated that the plaintiff was discharged at her own request on the 21st June. No claim was accordingly maintainable for the period up to the 24th November. Judgment was given for the defendants, with costs. Compare *Petrie* v. *Mac Fisheries, Ltd.* [1940] 1 K.B. 258; *Hancock* v. *B.S.A. Tools, Ltd.* (1939), 84 Sol. J. 188; *O'Grady* v. *Saper, Ltd.* [1940] 2 K.B. 469.

Books Received.

An Outline of the Law of Landlord and Tenant. By A. M. Wilshere, M.A., LL.B., of Gray's Inn and the Middle Temple, Barrister-at-Law. Second Edition, 1942. Demy 8vo. pp. x and (with Index) 118. London: Sweet & Maxwell, Ltd. 6s. 6d. net.

Principles of Mercantile Law. By J. Charlesworth, LL.D. (Lond.), of Lincoln's Inn, Barrister-at-Law. Fifth Edition, 1942. Demy 8vo. pp. xxxv and (with Index) 372. London: Stevens & Sons, Ltd.; Sweet & Maxwell, Ltd. 10s. net.

Loose-leaf War Legislation. Edited by John Burke, Barrister-at-Law. 1941–42 Volume, Part 16. 1942 Volume, Part 1. London: Hamish Hamilton (Law Books), Ltd.

The Defence (Finance) Regulations. By F. C. Howard, M.A., Solicitor of the Supreme Court. 1942. Medium 8vo. pp. xiv and (with Index) 114. London: Butterworth & Co. (Publishers), Ltd. 10s. 6d. net.

The Stock Exchange Official Year-Book, 1942. Compiled and edited by the Secretary of the Share and Loan Department of the Stock Exchange, London, E.C.2. Super royal 8vo. pp. cxxvii and 3165. London: Thos. Skinner & Co. (Publishers), Ltd. £4 net.

To-day and Yesterday.

LEGAL CALENDAR.

27 July.—In July, 1798, Serjeant Adair was seized with a paralytic stroke while walking through Lincoln's Inn on his way home from a shooting exercise with the force of volunteers he had joined in the face of the French threat of invasion. He died a few hours later. He was Chief Justice of Chester and had been Recorder of London. On the 27th July " the chapel bell of Lincoln's Inn began tolling at ten o'clock in the morning and continued until eleven when a hearse and six drove up to the late serjeant's house in Lincoln's Inn Fields, followed by two mourning coaches and three private carriages. The coffin covered with black velvet and ornamented with gold lacquered escutcheons was placed in the hearse . . . Not a single lawyer's carriage appeared. The procession moved up the west side of Lincoln's Inn Fields into Holborn and onwards to Bunhill Fields burying ground where he was interred near the ashes of his father and mother.

28 July.—John Plackett was born at Islington and apprenticed to a wheelwright but ran away to join the Navy, behaving perfectly well in the service. It was when he came home that he fell in with a bad set, became a footpad and earned himself seven years' transportation. On his return he stuck to robbing as a career. One night after drinking all day at a Wapping tavern he set out to look for a victim. He happened to fall in with a Norwegian merchant asking his way back to his lodgings at Shadwell, but unable to make himself understood because of his faulty English. Plackett took charge of him, led him through several obscure lanes and passages and out into the fields near the City Road, and there stunned him with a blow on the back of the head. Having stripped him naked and taken his money, he made off, but was arrested a few days later and condemned to death at the Old Bailey. On the 28th July, 1762, he was hanged near the place of his crime which, he said, struck his soul with horror. For many years after, the spot was called " Plackett's Common."

29 July.—On the 29th July, 1829, a hundred convicts were embarked on board the " Morley " transport from the " Dolphin " hulk at Chatham to be shipped to New South Wales. Most of them were young men, some only boys. Here are some of their crimes: Stealing an apron, transportation for life; stealing bacon, life; stealing worsted yarn, life; stealing 2 lb. of potatoes, fourteen years; stealing a pair of shoes, fourteen years; stealing a bottle of spirits, fourteen years.

30 July.—At the Lincoln Assizes on the 30th July, 1827, Lord Tenterden tried an action against the proprietors of the " Graham " steam-packet. In the previous November while the vessel had been lying alongside the " United Kingdom " steam-packet in the Hull Roads her boiler had blown up, tearing the deck to pieces and enveloping the passengers in steam and boiling water. One of them, the driver and part-proprietor of a stage coach, was the plaintiff in this case, and it was contended that there was negligence on the part of the captain, engineer and crew of the " Graham," who were all on board the " United Kingdom " at the time of the accident. For the defendants it was contended that " this was one of those unavoidable accidents which always accompany great improvements " but the plaintiff recovered £138 damages from his injuries.

31 July.—On the 31st July, 1765, Barney Carrol and William King were hanged at Tyburn. Both were former soldiers who had served well, particularly at the siege of Havana. On their return to civil life they evolved a system of robbery whereby they employed two boys to pick the pockets of passers-by while they lurked nearby ready to slash any victim across the face with a knife if he noticed the theft and resisted it. One night they found a gentleman strolling slowly along the Strand near Somerset House, and one of the boys was just in the act of picking his pocket when he seized him and threatened to take him before a magistrate. While he was still holding him he was slashed across the face by Carrol from the right eye to the left temple. The blow only just missed his eyeballs and as it was he lost two quarts of blood before a surgeon could reach him. Carrol and King were hanged " amid the execrations of an offended multitude."

1 August.—Though he had enjoyed the education of a gentleman, George Griffiths proved an unprofitable servant to the eminent attorney who made him his confidential clerk. He secretly made love to his master's daughter and very nearly trapped her into a clandestine marriage. He squandered the money his father had left him and ran into debt. He embezzled considerable sums entrusted to him in connection with an important Chancery action, and when the time came to pay them out he made up the deficiency by robbing his master's bureau, for which he had had a special key made. He was not, however, discovered until he stole a diamond ring from the same place and sold it to a jeweller who happened to frequent the same coffee-house as his master. There a chance conversation led to the discovery of the truth and Griffiths was hanged at Tyburn on the 1st August, 1700.

2 August.—On the 2nd August, 1746, the court dealing with the rebels concerned in Prince Charlie's rising sat at St. Margaret's Hill, Southwark. " James Stratton, late a surgeon in the rebel

army at Carlisle, was brought on his trial, but none of the witnesses proving that he bore arms and it appearing that he was forced into the service he was acquitted and immediately discharged. Walter Ogilvie, Lieutenant in Lord Lewis Gordon's regiment, pleaded guilty." After that a motion in arrest of judgment by counsel for the other prisoners was overruled and Lord Chief Justice Willes " made a very pathetic speech, which drew tears from many of the auditors, at the end of which he pronounced sentence." During the rebellion Willes had tried to raise a regiment of lawyers to defend the King's person.

BAR STRIKES.

During the hearing of an appeal in the House of Lords recently when the nature of a trade dispute was being discussed, the Lord Chancellor observed that he had heard people speak of the lawyers' trade union, but that he did not know whether there was such a thing, and the learned leader addressing the House speculated on the question whether a dispute between barristers and their clerks would be a trade dispute. Whatever be the answer, quarrels between Bench and Bar have before now led to strikes by the latter. In the time of Charles II the Serjeants conceived that Chief Justice North had violated their exclusive rights in the Common Pleas by allowing his brother, though not of the coif, to make certain motions. Accordingly, as a protest they staged a " Dumb Day," refusing to bring forward any business. But North retaliated with a threat of a " lock-out," declaring that he would even hear attorneys or the suitors themselves that there might not be a failure of justice. That very afternoon they went in consternation to apologise and submit, and next day they received a public reproof from each of the judges " with acrimony enough." The Irish Bar have been more fortunate in their use of the " strike " weapon. At the end of the eighteenth century they used it effectively against Lord Clonmel, C.J., who had been extremely rude to a member of the Bar. They refused to appear in court or sign any pleadings till he apologised. He duly sent an ample apology to the Press, but antedated it as though it had been written voluntarily. In comparatively recent times an ultimatum was sent to Dodd, J., at Cork in similar circumstances.

Obituary.

SIR CHARLES SARGANT.

The Rt. Hon. Sir Charles Sargant, Lord Justice of Appeal from 1923–28, and a Judge of the Chancery Division from 1913–23, died on Thursday, 23rd July, aged eighty-six. He was educated at Rugby and New College, Oxford, and was called by Lincoln's Inn in 1882. In 1908 he was appointed Equity Junior Counsel to the Treasury, and in 1913 was elevated to the Chancery Bench. In 1928 he resigned his lord justiceship and in 1929 served as Chairman of the Board of Trade Committee on Patent Law and Practice. In 1913 he received the honour of knighthood and was sworn a member of the Privy Council in 1923.

MR. A. CREW.

Mr. Albert Crew, F.S.A., Recorder of Sandwich (with Ramsgate) from 1934, died on Wednesday, 22nd July, aged seventy-one. He was called by Gray's Inn in 1908 and joined the South-Eastern Circuit. In 1926 he became a member of the Middle Temple. He had been a member of the General Council of the Bar since 1927 and was Secretary of the Central Criminal Court Bar. He had also been Vice-President of the Medico-Legal Society and a member of the Institute for the Scientific Treatment of Delinquency. He was the author of numerous legal works which include " London Prisons of To-day and Yesterday," " The Old Bailey," " The Conduct of and Procedure at Public Company and Local Government Meetings " (with Evelyn Mills) and " Rates and Rating."

Notes.

Mr. Raymond Evershed, K.C., has resigned from the chairmanship of the Central Price Regulation Committee to take up his appointment as Regional Coal Controller for Nottingham, Derbyshire and Leicestershire.

The Ministry of Works and Planning announces that owners of foundries, bakeries, coke ovens, blast furnaces, etc, are not required to apply for a building licence under Regulation 56A (S.R. & O., 1941, 1596), for the erection, repair, relining and maintenance of blast furnaces, coke ovens, brick and lime kilns, bakers' ovens and other " process structures."

Sir Walter Monckton, K.C., is leaving shortly for the United States, says *The Times*. He has accepted an invitation from the American and Canadian Bar Associations to address them at a joint meeting in Detroit on the 24th August. He will also visit Ottawa and Washington and is expected to address other meetings during his tour of both countries.

According to a note in *The Times*, Lord Greene, Master of the Rolls, presiding at the annual meeting of the Historical Manuscripts Commission of the House of Lords on the 23rd July, said that there had been difficulty in tracing some of the more valuable manuscripts, many owners having either sold them or presented them to museums. Others had been lost or destroyed through enemy action. The annual report said that inquiries had been made about 284 of the 415 privately owned collections of historical manuscripts. The remainder were known either to have been sold, destroyed or moved to Eire.

Notes of Cases.

CHANCERY DIVISION.

Cook *v.* Taylor.

Simonds, J. 14th May, 1942.

Vendor and purchaser—Contract to sell with vacant possession—After contract and before completion premises requisitioned—Repudiation of contract by purchaser.

Adjourned summons.

By a contract dated the 4th February, 1941, the plaintiff agreed to sell and the defendant to buy a dwelling-house at Reading. At the date of the contract the premises were vacant. The date fixed for completion was the 25th February, 1941. The contract incorporated The Law Society's Conditions of Sale, 1934 edition. Clause 5 (3) (*a*) of the conditions provided that the purchaser, on payment of the purchase price, should be let into possession. The particulars of the property contained a statement that vacant possession would be given on completion. On the 19th February, before the date fixed for completion, notice was served on the plaintiff requisitioning the property and the keys were on that day handed over to the requisitioning authority. On the 1st March the premises were occupied by the war workers for whom it had been requisitioned. The defendant refused to complete the purchase as the plaintiff could not give vacant possession. In this action the plaintiff claimed specific performance of the contract.

SIMONDS, J., having held that the contract was a contract for vacant possession, said, the second question was whether, apart from this particular contract, there was, according to the general law to be applied, a contract for sale with vacant possession. The property was in fact vacant, and it was contracted to be sold without any reference to a tenancy. He thought that there was in such a case an implication that it would be sold with vacant possession. He therefore held that, as a matter of law, in a contract of this character there was the implied term that vacant possession would be given on completion. From the moment the requisitioning authority took the keys of the premises from the plaintiff, she was no longer in a position to give vacant possession. It was immaterial whether occupation was actually taken by the war workers before or after the 25th February. *In re Winslow Hall Estates Company & United Glass Bottle Manufacturers, Ltd.'s, Contract* [1941] Ch. 503, was a not very dissimilar case, but differed in one vital point, in that, on the date fixed for completion, the vendor was in a position to give vacant possession. Here the vendor was not in a position to do so. It was further contended for the plaintiff that from the date of the contract the property became in equity the property of the purchaser and that he took it subject to any misfortune which might befall, flood or fire or requisition by the appropriate authority. The answer to that was that flood or fire on the one hand, and requisition on the other, were two different things. The bargain here was that the plaintiff should give vacant possession. He must fulfil that bargain. The case was very different to that where there was no express bargain as to flood or fire. Here there was an express term which the plaintiff could not comply with. Accordingly, the action must be dismissed.

COUNSEL: *Hewins; Droop.*

SOLICITORS: *Gibson & Weldon*, for *Pitman & Bazett*, Reading; *Maude and Tunnicliffe*, for *Louch, Belcher & Co.*, Newbury.

[Reported by Miss B. A. BICKNELL, Barrister-at-Law.]

In re Westways Garage, Ltd.

Bennett, J. 18th May, 1942.

Company—Winding-up—List of contributories settled—On the applicant's objection his name removed from list—Subsequently appointed liquidator proposes to include name in supplementary list—Res judicata—Companies Act, 1929 (19 & 20 *Geo.* 5, c. 23), *ss.* 203, 220—*Companies (Winding-up) Rules*, 1929, *rr.* 78 *to* 83.

Motion in a winding-up.

W, Ltd., was incorporated in August, 1938, with a capital of £10,000 divided into 10,000 £1 shares. M was promoter and chairman of the company. In November, 1938, it was resolved by the directors that 2,000 shares should be credited to M as fully paid up in consideration of his services to the company and of his having subscribed for 4,000 shares in the company. In December, 1939, M returned the 2,000 shares to the company for cancellation. On the 27th June, 1940, Simonds, J., made an order for the winding-up of the company, P being appointed liquidator. P gave notice to M that he proposed to include him in the list of contributories in respect both of the 4,000 shares and the 2,000 shares, crediting him with £1,000 paid up in respect of the 4,000 shares. M objected, and thereupon, after hearing him, P declared that he ought not to be included as a contributory in respect of the 2,000 shares. On a summons issued by M to have the list of contributories varied by omitting his name entirely, an order was made by consent whereby M was credited with £1,275 paid up in respect of the 4,000 shares. F, the new liquidator appointed in the place of P, who had died, obtained judgment against M for £2,808, the balance owing in respect of the 4,000 shares. He also gave to M notice that he proposed to settle a supplementary list of contributories under r. 83 of the Companies (Winding-up) Rules, 1929, and to include M in that list in respect of the 2,000 shares. M and the liabilities adjustment officer in charge of his affairs by this motion sought an order restraining F from including M's name in such supplementary list. The Companies (Winding-up) Rules, 1929, rr. 78 to 83, provide for the settlement of the list of contributories. Rule 80 provides that: " On the day appointed for settlement of the list of contributories the liquidator shall hear any person who objects to being settled as a contributory, and after such hearing shall finally settle the list, which when so settled shall be the list of contributories of the

company." Rules 81 and 82 provide for notices being given to persons whose names are placed on the list, and for an application to the court for the removal of any name. Rule 83 provides: "The liquidator may from time to time vary or add to the list of contributories, but any such variation or addition shall be made in the same manner in all respects as the settlement of the original list."

BENNETT, J., having held that the decision of P not to include M in the list of contributories in respect of the 2,000 shares was wrong, and that F was not estopped by the consent order of 1941 with respect to the 4,000 shares from reopening the decision of his predecessor with regard to the 2,000 shares, said the second objection was that the question which F now tried to raise was *res judicata*. The applicants were entitled to succeed on this ground. The question turned on the language of the Companies (Winding-up) Rules, 1929. P's duties were not merely administrative, they were in some respects judicial. Rule 80 indicated that, when the liquidator had performed his duties, finality was reached so far as he was concerned. As regards persons who objected to the list of contributories as finally settled by the liquidator, r. 82 provided for finality. The liquidator relied on r. 83 and argued that there was no limitation on his powers to vary or add to the list of contributories. Such an interpretation gave no meaning to the word "finally" in r. 80. Having regard to rr. 80, 81 and 82, r. 83 ought not to be read as a rule which enabled a liquidator to reconsider an objection which had been considered and ruled on either by himself or his predecessor without assigning any reason for so doing other than that he or his predecessor had come to a wrong decision. Accordingly, there would be an order that the liquidator was not entitled to make the supplemental list of contributories.

COUNSEL: *H. E. Salt; Cecil Turner.*
SOLICITORS: *Windybank, Samuell & Lawrence; Fairchild Greig.*
[Reported by Miss B. A. BICKNELL, Barrister-at-Law.]

In re **Inchcape; Craigmyle** *v.* **Inchcape.**
Morton, J. 16th June, 1942.

Practice—Costs—Legal advice taken and preliminary expenses incurred before issue of summons—On hearing no order made as to preliminary costs—Jurisdiction subsequently to provide for costs—R.S.C. Order XXVIII, r. 11.
Motion.

A summons was taken out to determine whether the testator was domiciled in England or Scotland. On the 23rd July, 1941, an order was made by Morton, J., on that summons, which provided in common form for the taxation of the costs of all parties as between solicitor and client and payment thereof out of the estate. By this motion two of the defendants to the summons asked that the costs of collecting evidence and taking the opinion of counsel, which were incurred before the issue of the summons, might be provided for under Ord. XXVIII, r. 11, which provides: "Clerical mistakes in judgments or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the court or a judge on motion or summons without appeal."

MORTON, J., said that an order including the preliminary costs would have been made if it had been asked for at the hearing. It was clear that if a judge's attention had been directed to a particular point and it had been decided at the time, his order could not be amended (*Preston Banking Co.* v. *William Allsup & Sons* [1895] 1 Ch. 141), nor could there be any amendment if there had been deliberate misrepresentation. However, the costs of an adjourned motion, which had not been applied for, were subsequently allowed under Ord. 41A, which was similar to Ord. XXVIII, r. 11, after the order had been drawn up, passed and entered (*Fritz* v. *Hobson*, 14 Ch. D. 542; *Barker* v. *Purvis*, 56 L.T. 131). In those cases the omission arose by a slip on the part of counsel, on the part of a solicitor and on the part of a party to the action. Having regard to these authorities, he was satisfied that he could make the order under Ord. XXVIII, r. 11. Hardship would result if he did not do so. He accordingly would make the order asked for, which would include the costs of the present application.

COUNSEL: *J. L. Stone; J. H. Stamp; H. C. Marks.*
SOLICITORS: *Rooper & Whately; Jacobson, Ridley & Co.*
[Reported by Miss B. A. BICKNELL, Barrister-at-Law.]

KING'S BENCH DIVISION.

Meigh *v.* **Wickenden.**
Viscount Caldecote, C.J., Humphreys and Cassels, JJ. 14th May, 1942.

Factories and workshops—Contravention in factory—Receiver appointed under debenture—Whether chargeable with offence as occupier of premises.

Appeal by case stated by Middlesex justices.

An information was preferred by an inspector of factories under the Factories Act, 1937, against one Meigh, the receiver and manager of a company which was carrying on business at a factory. The information charged the receiver with contravening s. 133 of the Factories Act, 1937, by being the occupier of the factory and failing to provide a strong guard, properly adjusted to the work, for the cutter of a horizontal milling machine operated by one Dale, in consequence of which Dale suffered bodily injury. At the hearing of the information the following facts were established, *inter alia*: The milling machine was not provided with a guard as prescribed by the Horizontal Milling Machine Regulations, 1928. Dale suffered bodily injury as a result of that contravention. Previously Meigh had been duly appointed receiver and manager of the property of the company under the powers contained in a debenture. After he entered on the factory premises as receiver and manager the business continued to be conducted there by the directors and the works manager. The company employed a maintenance engineer, who controlled the work of the factory. The receiver, being a corporate accountant, had no knowledge of factory matters. It was contended for the receiver that he was not at any material time the "occupier" of the factory within the meaning of ss. 130 and 133 of the Act of 1937, and that, as manager of the company by virtue of his receivership, he could not be convicted of the alleged offence unless, as was not the case, it were alleged and proved under s. 130 (5) that it was committed with his consent or connivance, or was facilitated by neglect on his part. It was contended for the inspector that the receiver was the occupier of the factory within the meaning of ss. 130 and 133, and had committed the offence charged under s. 133. The justices, being of opinion, in so far as it was a question of fact, that the receiver was the occupier at the material time, convicted him, fining him £5, with £2 4s. costs. The receiver appealed. (*Cur. adv. vult.*)

VISCOUNT CALDECOTE, C.J., said that the justices' findings made it plain that there had been a contravention of the Act. The occupier's responsibility under the Act did not depend on proof of personal blame or even on knowledge of the contravention. The occupier, on whom responsibility was first fastened by the Act, might bring the person who was alleged to be "the actual offender" before the court; and if that person were found to have committed the offence the occupier might be found not guilty. The Act was drastic and clearly framed in such a way as to make certain that someone could be found who could be convicted in the event of a contravention. There was no definition of "occupier" in the Act. The question whether this receiver was, as receiver, the occupier or not had to be decided apart from authority. He was appointed to give, not to receive, directions. He might at any time remove the directors and take over their duties. Indeed, he took their place and was responsible in their stead for the management of the affairs and business of the company even while he permitted them to manage the business under him. That the company continued to exist at all material times was not decisive of the question at issue. It was argued that it continued to exist and to be the occupier of the factory and that, just as a director would not be subject to conviction as occupier, so a receiver and manager could not be made liable in that capacity. Notwithstanding the force of that argument, the case must be decided according to the results flowing from the provision in the debenture that the receiver was appointed "to manage and carry on the business of the company, and to take possession of, get in and collect property and assets" charged by the debenture. What he had to do was very different from what a director had to do. He was in a different position from directors in respect, for example, of his duty to take possession of the property of the company. He was complete master of the company's affairs. As between himself and the company, the receiver was the person in possession of the factory, and it followed that he was properly convicted as occupier. The appeal must be dismissed.

HUMPHREYS and CASSELS, JJ., agreed.
COUNSEL: *Granville Sharp; Valentine Holmes.*
SOLICITORS: *Nordon & Co.; Treasury Solicitor.*
[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

War Legislation.

STATUTORY RULES AND ORDERS, 1942.

E.P. 1368. **Apparel and Textiles.** Woven Cloth (Application of Utility Mark) Directions, July 13.
E.P. 1377. Apparel and Textiles. Woven Non-Wool Cloth (Manufacture and Supply) Directions, 1942, and Apparel and Textiles Order, 1942. Gen. Licence and Direction, July 14, re supply of Woven Non-Wool Cloth to Certain Persons.
No. 1419. **Clearing Office** (Spain) Amendment Order, July 17.
E.P. 1417. **Control of Fuel** Order, July 16.
E.P. 1395. **Delegation of Emergency Powers** (Min. of Commerce for N. Ireland) Order, July 13.
E.P. 1413. **Essential Work** (Gen. Provisions) (Part-time Workers Exclusion) (Amendment) Order, July 16.
No. 1375. **Export of Goods** (Control) (No. 29) Order, July 18.
No. 1376. **Exportation**—Revocation of Licences. Order, July 18, revoking Licences for Exportation of Goods to certain destinations in South Africa.
E.P. 1399. **Food** (Transport) Order, 1941. Order, July 16, Amending Directions, May 11.
E.P. 1389. **Fuel Consumption** (Information) Order, July 11.
E.P. 1388. FUEL (Records and Information) Order, July 14.
E.P. 1364. **Making of Civilian Clothing** (Restrictions) (No. 4) (Amendment) Order, July 11.
E.P. 1301. **Making of Uniforms** (Restrictions) (No. 2) Order, July 9.
E.P. 1362. **Reconditioned Service Clothing** Directions, July 10.
E.P. 1396. **Retail Prices** (Notices) Order, 1942. Amendment Order, July 15.

MINISTRY OF INFORMATION.

The New Income Tax Quiz for Wage Earners. Revised Edition, July, 1942. Each 2d. (3d.)

Honours and Appointments.

The Board of Trade have appointed Mr. P. M. MILWARD, Official Receiver in Bankruptcy at Stoke-upon-Trent, to be also Official Receiver for the Bankruptcy District of the county courts at Manchester, Salford, Ashton-under-Lyne and Stalybridge, Bolton, Oldham, Rochdale and Stockport, from the 20th July, 1942, in the place of Mr. F. H. Langmaid, Senior Official Receiver, who has been transferred to headquarters for administrative duties.

The Stamford (Lincs) Justices have appointed Mr. ARTHUR R. KELHAM, solicitor, Stamford, as their clerk. Mr. Kelham was admitted in 1928.